



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

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May 27, 2008

The Honorable Timothy S. Bee
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

Re: Senate Bill 1264; Public Rights-of-Way; Claims

Dear President Bee,

Today I vetoed Senate Bill 1264, which would have injected unnecessary confusion into claims over what is now federal, state, military, tribal and even privately-held land in Arizona.

Senate Bill 1264 would have the State of Arizona formally assert, on behalf of itself and every political subdivision in Arizona, claims to any and all rights-of-way it or other Arizona political subdivisions may have had, whether or not recorded, on any public land held by the federal government between 1866 and 1976. Much of the land affected by Senate Bill 1264 has changed hands since 1866 and is now held by private owners, as well as tribes, the federal government, the military and the State of Arizona. Commencing the adjudication of every state right-of-way created during that 110 year period would create unnecessary uncertainty for current land holders.

My veto of Senate Bill 1264 does not foreclose Arizona's ability to assert claims to these historical rights-of-way. Indeed, some Arizona counties have already pursued claims to rights-of-way in specific cases, after weighing necessity against the effect on current land holders. Adjudicating these historical rights-of-way on a case-by-case basis is appropriate. But the blanket assertion of all potential rights suggested by Senate Bill 1264 creates too much collateral damage and chaos.

For this and other reasons, I have vetoed Senate Bill 1264.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano", followed by a horizontal line.
Janet Napolitano
Governor

JN:LK

cc: The Honorable Jim Weiers
The Honorable Karen Johnson